

REMARKS

This paper is in response to the Office action mailed March 4, 2009 ("the Office Action"). No claims are amended. Claims 1-30 remain pending. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

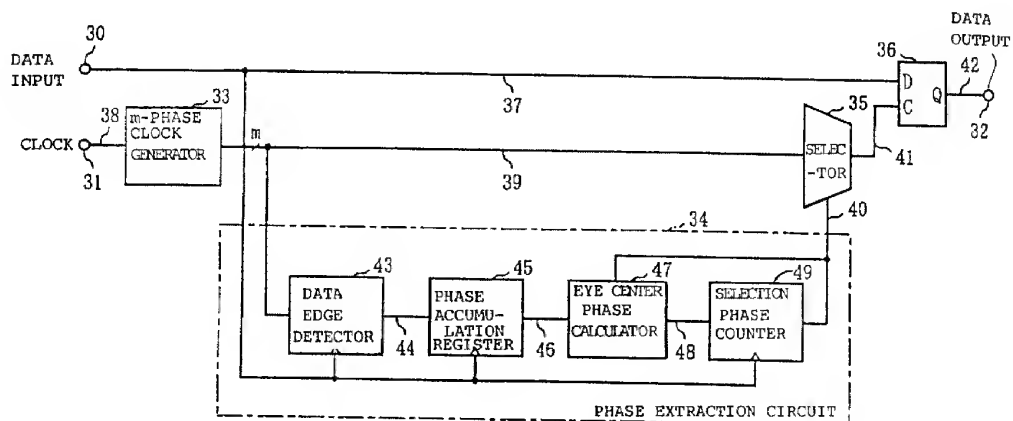
Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1, 5-7, 13, 14, and 20 under 35 U.S.C. §102(b) over *Baba et al.* (U.S. Patent No. 6,278,755). According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The reference must show the identical invention in as complete detail as is contained in the claim. Finally, the elements must be arranged or combined as required by the claim.

Claim 1 recites a circuit for multiplexing a plurality of data signals into an output data stream comprising, among other things, "a selector coupled to [a] plurality of circuit elements for receiving each of the individual output data signals from [a] plurality of circuit elements and for sequentially selecting each of said individual data signals to generate said output data stream as the output of the selector." *Baba*, in contrast, does not teach a multiplexing circuit as recited in claim 1.

In Figure 2 of *Baba* (copied below for reference), the Examiner identified elements "43, 45, 47, 49, etc" as the claimed "plurality of circuit elements" and identified a selector 35 as the claimed selector. *See Office Action* at 3. However, selector 35 of *Baba* is not "coupled to [elements 43, 45, 47, 49, etc] for receiving each of the individual output data signals from [elements 43, 45, 47, 49, etc] and for sequentially selecting each of said individual data signals to generate [an] output data stream..." as claimed. In fact, as evident from Figure 2 below, selector 35 does not even receive individual output data signals from elements 43, 45, and 47, much less sequentially select such signals. Moreover, although selector 35 receives a signal output by element 49—extracted phase value 40—this signal is not selected as an output of selector 35. Instead extracted phase value 40 controls which of the m-phase clock signals 39 produced by m-phase clock generator 33 is selected as an extracted clock. *See Baba* at col. 8, lines 23-27 ("The selector 35...alternatively selects an extracted clock 41 from the m-phase clock signals 39 based on the extracted phase value 40.")

FIG. 2



Claim 14 recites a method comprising, among other things, "clocking said selector with said second clock to sequentially select a plurality of said data signals that are received as input for the selector for said output data stream." Here again the Examiner identified selector 35 as the claimed selector that is clocked. However, selector 35 is not clocked with a clock to sequentially select data signals, as required by claim 14. Instead, as noted above, selector 35 selects "an extracted clock 41 from the m-phase clock signals 39 based on the extracted phase value 40." See *Baba* at col. 8, lines 23-27. The extracted phase value 40 does not constitute "said second clock," but instead "represents clock selection information indicative of which one of the m-phase clock signals 39 is to be selected." See *id.* at col. 8, lines 40-42.

In light of the foregoing, Applicants respectfully submit that *Baba* does not anticipate claims 1 and 14. Accordingly, the anticipation rejection of claims 1 and 14, and of corresponding dependent claims 5-7, 13, and 20, should be withdrawn.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 2-4, 15-17, 25-27, and 30 under 35 U.S.C §103(a) over *Baba* (U.S. Patent No. 6,728,755) in view of *Chen* (U.S. Patent No. 5,850,422) and rejects claims 8-12, 21-24, and 28-29 under 35 U.S.C §103(a) over *Baba* in view of *Chen*, as applied above, and in further view of *Song* (U.S. Patent No. 6,917,660).¹

To support an obviousness rejection, MPEP §2143.03 requires "all words of a claim to be considered." Further, the Board of Patent Appeal and Interferences recently confirmed that a proper, post-KSR obviousness determination requires "a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art." *In re Wada and Murphy*, Appeal 2007-3733 (BPAI 2008), citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Moreover, as the Supreme Court recently stated, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

¹ Because *Song* is only citable under 35 U.S.C. §102(e), Applicants do not admit that *reference* is in fact prior art with respect to any or all of the claims of the present application, but rather reserve the right to swear behind *Song* in this application or a divisional, continuation, or CIP thereof, thereby removing it as a reference.

Claim 25 recites a system for multiplexing a plurality of data signals into an output data stream comprising, among other things, "a selector coupled to [a] plurality of circuit elements for receiving each of the individual output data signals from [a] plurality of circuit elements and for sequentially selecting each of said individual data signals to generate said output data stream as the output of the selector." For at least the reasons discussed above with respect to claim 1, *Baba* does not teach or suggest the selector recited in claim 25. *Chen*, relied on for its purported teaching of a compensator, fails to remedy the deficiencies of *Baba*.

Applicants note that by virtue of their dependence from one of claims 1, 14 or 25, each of claims 2-4, 15-17, 26, 27, and 30 requires all the elements of one of those independent claims. As noted herein however, the Examiner has not shown that *Baba*, *Chen*, *Song* and/or any other reference(s), considered alone or in combination, teaches or suggests all the elements of claims 1, 14 and 25.

Applicants thus submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 2-4, 15-17, 26, 27, and 30, at least because the Examiner has not shown that the references, when combined in the allegedly obvious fashion, teach or suggest all the elements of those claims. Applicants thus respectfully submit that the rejection of claims 2-4, 15-17, 26, 27, and 30 should be withdrawn.

Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 2nd day of September, 2009.

Respectfully submitted,

/Ronald J. Ward/Reg. No. 54,870

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800

RJW:jbh
2461344_1.DOC